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Remarks

Reconsideration of this application in view of the enclosed Terminal Disclaimer. It is believed that the present application has been placed in condition for allowance.

I. Status of the Claims

Following the Advisory Action, Claims 29 to 41 were pending in the present application. Claims 29-32, 36, 38, 40 and 41 were rejected. Claims 33-35, 37 and 39 were objected to. No claims have been amended. Presently, Claims 29 to 41 are under consideration in the present application.

II. Claim Rejections – Obviousness Type Double Patenting

The provisional rejection of Claims 29-32, 36-38, 40 and 41 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 22-25, 28-30, 34, 36, 37, and 42-43 of co-pending Application No. 10/182,509 (allowed), "the '509 application", was maintained.

Applicants respectfully draw the Examiner's attention to the Terminal Disclaimer under 37 C.F.R. § 1.321, enclosed with the present amendment. This Terminal Disclaimer disclaims the terminal part of any patent issuing on Serial No. 10/500,672 extending beyond the expiration date of the patent issuing on the '509 application.

In light of the Terminal Disclaimer submitted herewith, Applicants respectfully request reconsideration and withdrawal of the double patenting rejection of Claims 29-32, 36-38, 40 and 41.

III. Claim Objections

Claims 33, 35, 37 and 39 were objected to as being dependent on a rejected claim. Applicants respectfully submit that the Terminal Disclaimer transmitted herewith places Claims 29-32, 36-38, 40 and 41 in condition for allowance. In view of the allowability of the independent claims from which Claims 33, 35, 37 and 39 depend, Applicants respectfully request reconsideration and withdrawal of the objection to Claims 33, 35, 37, and 39.

IV. Conclusion

Having fully addressed the Examiner's concerns, it is the Applicants' position that the present response places the application in condition for allowance, and passage to issue is earnestly solicited.

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The Examiner is invited to contact Applicant's Attorney at the number below if such would facilitate prosecution of this application.

Respectfully submitted,

By


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Enclosures:
Terminal Disclaimer

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